IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7866 of 2005

Between:

Chinchalapu Mangayamma W/o Peda Kondala Rao
R/o Sriramapuram Vilalge, Payakaraopeta Mandal Visakhapatnam

..... PETITIONER

AND

1 The District Collector, Visakhapatnam District Visakhapatnam
2 The Revenue Divisional Officer, Narsipatnam, Visakhapatnam District
3 The Mandal Revenue Officer, Payakaraopeta, Visakhaptnam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction more particularly a Writ in the nature of Mandamus directing the respondents not to dispossess the petitioner from an extent of Ac.2.19 cents in S. NO. 47/2 and 75-8 of Srirampuram Vilalge, Payakaraopeta Mandal, Visakhapatnam District which was assigned to the petitioenr under D far patta bearing No. 580/1408/99 dt 30-6-99 without canceling the same or except following the procedure contemplated under the law and pass such other order or orders as this Hon'ble Court deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.M.S.R.SUBRAHMANYAM

Counsel for the Respondents: GP FOR REVENUE

This Court at the admission stage made the following:

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O R D E R:

The petitioner claims to be the landless poor person. It is stated that the third respondent, the Mandal Revenue Officer issued D-Form patta in her favour on 30-06-1999 in respect of an extent of Ac.2-19 cents of Grama Kantham land in Survey No.47/2 and 75-8**,** Sirirampuram village, Payakaraopeta Mandal, Visakhapatnam District. It is claimed that she has made the said land fit for cultivation and has been continuing in possession and enjoyment of the same. However, due to the political pressures, the third respondent, the Mandal Revenue Officer has been taking steps to dispossess the petitioner and to assign the said land to third parties. Aggrieved by the said action of the third respondent, this writ petition is filed contending that since the patta granted in her favour is subsisting, the third respondent is not justified in taking steps to dispossess her highhandedly.

Heard the learned counsel for the petitioner and the leaned Government Pleader for Revenue appearing for the respondents and perused the material record. If the patta granted in favour of the petitioner is subsisting, as rightly contended by the petitioner she cannot be dispossessed from the land-in-question without following due process of law.

The writ petition is accordingly disposed of with a direction to the respondents not to dispossess the petitioner from the land-in-question, without following due process of law, if the patta granted in her favour is subsisting as on today. No costs.

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(**G. ROHINI, J**)

Date: 08-04-2005

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To

1 The District Collector, Visakhapatnam District Visakhapatnam
2 The Revenue Divisional Officer, Narsipatnam, Visakhapatnam District
3 The Mandal Revenue Officer, Payakaraopeta, Visakhaptnam District

4 Two C.Cs to the Government Pleader for Revenue, High Court Buildings,

A.P., Hyderabad (OUT)

5 Two C.D copies